IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9888 OF 2004

Shri.Ratan B. Choudhury ..Petitioner.

Vs.

Vartaknagar Majiwade Nagari

Sahakari Bank Ltd. & Ors. ..Respondents.

....

Mr.Gaurav Agrawal i/b M/s.Law Global for the Petitioner.

Mr.B.G.Vaidya for Respondent No.1.

....

CORAM : DR.D.Y.CHANDRACHUD, J.

12th April, 2005.

P.C. :

The Vartaknager Majiwade Nagari Sahakari Bank Limited which had filed the original dispute was amalgamated with the Ahmednagar Sahakari Bank Limited. Section 18 A(5) of the Maharashtra Co-operative Societies Act, 1960 provides as follows :

> "18-A(5) The amalgamation of banks under this section shall not effect any rights or obligations of the banks so amalgamated or render defective any legal proceedings, which might have been continued or commenced by or against any such banks; and accordingly, such legal proceedings may be continued or commenced by or against the amalgamated banks."

The name of the Ahmednagar Sahakari Bank Limited has been changed to The Mahanagar Co-operative Bank Limited in 1997. During the pendency of the proceedings, the record had to be reconstructed since the original record was reported missing. The order passed by the Co-operative Appellate Court, in the circumstances, does not warrant any interference under Article 227. The Petition is rejected.